

ELECTRONIC FILING

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Wimmer et al.

Confirmation No.: 3319

Application No.: 10/591,833

Art Unit: 1636

Filed: September 5, 2006

Examiner: To Be Assigned

For: USE OF MIXTURE FOR THE
PRODUCTION OF AN AGENT FOR
TREATING DEFECTIVE OR
DEGENERATED CARTILAGE IN THE
PRODUCTION OF NATURAL
CARTILAGE REPLACEMENT *IN
VITRO*

Attorney Docket No.: 8932-1289-999

TRANSMITTAL OF POWER OF ATTORNEY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants submit herewith a copy of a Power of Attorney By Assignee and Exclusion of Inventor(s) Under 37 C.F.R. 3.71 with Statement Under 37 C.F.R. 3.73(b) for the above-identified application executed on July 16, 2007 by Troy T. Svihl on behalf of Synthes (U.S.A.).

No fee is believed due. However, should any fee be required, please charge the required fee to Jones Day Deposit Account No. 50-3013.

Respectfully submitted,

Date: July 16, 2007

Brian M. Poissant by *Troy T. Svihl*
Brian M. Poissant (Reg. No. 28,462)
By: Ann W. Chen (Reg. No. 49,013)
JONES DAY
222 East 41st Street
New York, New York 10017
(212) 326-3939

Enclosure

Certification of Transmission under 37 C.F.R. § 1.8(a)(1)(i)(C)

The undersigned hereby certifies that this correspondence is being electronically transmitted to the United States Patent and Trademark Office on July 16, 2007.

Ann W. Chen
Ann W. Chen

(Reg. No. 49,013)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Wimmer et al. Confirmation No.: 3319
Application No.: 10/591,833 Art Unit: 1636
Filed: September 5, 2006 Examiner: To Be Assigned
For: USE OF MIXTURE FOR THE Attorney Docket No.: 8932-1289-999
PRODUCTION OF AN AGENT FOR
TREATING DEFECTIVE OR
DEGENERATED CARTILAGE IN THE
PRODUCTION OF NATURAL
CARTILAGE REPLACEMENT *IN VITRO*

**POWER OF ATTORNEY BY ASSIGNEE
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71
WITH STATEMENT UNDER 37 C.F.R. 3.73(b)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints Practitioners at Customer Number 51832 all of Jones Day, whose address is 222 East 41st Street, New York, New York 10017, as its attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of 37 C.F.R. 3.71.

* Please direct all correspondence for this application to Customer No. 51832.

Statement Under 37 C.F.R. 3.73(b)

Synthes, Inc., the controlling corporation of the following entities:

Gelifex, Inc.; HFSC Company; SIPC, LP; Norian Corporation; Spine Solutions, Inc.; Spine Solutions GmbH; Synthes Spine Company, L.P.; Stratec Medical AG; Synthes (U.S.A.) (a Pennsylvania Partnership); Synthes (USA) LP; SYNTH, Inc.; Synthes North America, Inc.; Synthes Spine, Inc.; Synthes, Inc.; Synthes, USA, Inc.; Synthes LAT, Inc.; Mathys Medizinaltechnik AG; Synthes GmbH; Subsidiary Canada, Inc.; Synthes Canada, Ltd.; Synthes Corporate, Inc.; Synthes Tuttlingen; RM Stratec Beteiligungen; Synthes Bettlach GmbH; Synthes Bettlach Holding GmbH; and Synthes Holding AG

states that **Synthes (U.S.A.)** is:

the assignee of the entire right, title, and interest; or
 an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is %

in the patent application/patent identified above by virtue of either:

An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office on _____ at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Markus Wimmer, Mauro Alini, and Thomas Kaup To: Synthes GmbH
The document was recorded in the United States Patent and Trademark Office on
at Reel , Frame , or for which a copy thereof is attached.

2. From: Synthes GmbH To: Synthes (U.S.A.)
The document was recorded in the United States Patent and Trademark Office on
at Reel , Frame , or for which a copy thereof is attached.

3. From: To:
The document was recorded in the United States Patent and Trademark Office on
at Reel , Frame , or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

[Note: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

ASSIGNEE: Synthes (U.S.A.)

Date:

16 July 2007

Signature:



Typed Name: Troy V. Svihl

Position>Title: Patent Counsel

Enclosures

Joint

ASSIGNMENT

WHEREAS, WE, (i) Markus WIMMER, citizen of the Federal Republic of Germany, residing at 1015 W. Buena Avenue, Chicago, IL, 60613; (ii) Mauro ALINI, citizen of Switzerland, residing at Turbanstrasse 5, Davos Platz, Switzerland, CH-7270; and (iii) Thomas KAUP, citizen of Switzerland, residing at Guggerbachstrasse 10, Davos Platz, Switzerland, CH-7270, ASSIGNORS, are the inventors of the invention(s) disclosed, described and/or claimed in USE OF MIXTURE FOR THE PRODUCTION OF AN AGENT FOR TREATING DEFECTIVE OR DEGENERATED CARTILAGE IN THE PRODUCTION OF NATURAL CARTILAGE REPLACEMENT *IN VITRO* for which we have executed an application for a Patent of the United States which was filed on September 5, 2005, as United States Patent Application No. 10/591,833, and all inventions described, disclosed and/or claimed therein (hereinafter "the Invention"), and which is identified as Jones Day Attorney Docket No. 8932-1289-999 (CAM No. 232198-999173), which claims priority to International Patent Application No. PCT/CH2004/000131, filed on March 5, 2004.

AND WHEREAS, Synthes GmbH, ASSIGNEE, a Swiss Company, organized under the laws of Switzerland and having a place of business at Eimattstrasse 3, Oberdorf, Switzerland CH-4436, is desirous of obtaining our entire right, title and interest in, to and under all the said invention(s) as described, disclosed and/or claimed in the above-identified application:

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said Invention, and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said Invention in any country, together with the right to file such applications and the right to claim for the same the priority rights derived from said application under the International Convention for the Protection of Industrial Property, the Patent Laws of the United States or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said Invention in any country and all extensions, renewals and reissues thereof; including all applications for industrial property, all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof.

AND WE HEREBY authorize and request the Commissioner for Patents and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said Invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said Invention in all countries.

IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

Date: 6/26/07


Markus WIMMER L.S.

WITNESS:

Carol Pacione

(Printed Name)

Carol Pacione

(Signature)

Date:

6/26/07

Date: _____

Mauro ALINI L.S.

WITNESS:

(Printed Name)

(Signature)

Date: _____

Date: _____

Thomas KAUP L.S.

WITNESS:

(Printed Name)

(Signature)

Date: _____

Joint

ASSIGNMENT

WHEREAS, WE, (i) Markus WIMMER, citizen of the Federal Republic of Germany, residing at 1015 W. Buena Avenue, Chicago, IL, 60613; (ii) Mauro ALINI, citizen of Switzerland, residing at Turbanstrasse 5, Davos Platz, Switzerland, CH-7270; and (iii) Thomas KAUP, citizen of Germany, residing at Lengmattastrasse 26, Davos Frauenkirch, Switzerland, CH-7276, ASSIGNORS, are the inventors of the invention(s) disclosed, described and/or claimed in USE OF MIXTURE FOR THE PRODUCTION OF AN AGENT FOR TREATING DEFECTIVE OR DEGENERATED CARTILAGE IN THE PRODUCTION OF NATURAL CARTILAGE REPLACEMENT *IN VITRO* for which we have executed an application for a Patent of the United States which was filed on September 5, 2005, as United States Patent Application No. 10/591,833, and all inventions described, disclosed and/or claimed therein (hereinafter "the Invention"), and which is identified as Jones Day Attorney Docket No. 8932-1289-999 (CAM No. 232198-999173), which claims priority to International Patent Application No. PCT/CH2004/000131, filed on March 5, 2004.

AND WHEREAS, Synthes GmbH, ASSIGNEE, a Swiss Company, organized under the laws of Switzerland and having a place of business at Eimattstrasse 3, Oberdorf, Switzerland CH-4436, is desirous of obtaining our entire right, title and interest in, to and under all the said invention(s) as described, disclosed and/or claimed in the above-identified application:

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said Invention, and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said Invention in any country, together with the right to file such applications and the right to claim for the same the priority rights derived from said application under the International Convention for the Protection of Industrial Property, the Patent Laws of the United States or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said Invention in any country and all extensions, renewals and reissues thereof; including all applications for industrial property, all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof.

AND WE HEREBY authorize and request the Commissioner for Patents and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said Invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said Invention in all countries.

IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

Date: _____ L.S.
Markus WIMMER

WITNESS:

(Printed Name)

(Signature)

Date: _____

Date: 03 July 2007

WITNESS:

REGINA BRUN
(Printed Name)
R. Brun
(Signature)

Date: 06 June 2007

WITNESS:

REGINA BRUN
(Printed Name)
R. Brun
(Signature)

Mauro ALINI L.S.

Date: July 3, 2007

Thomas KAUP L.S.

Date: June 6, 2007

ASSIGNMENT

WHEREAS, **Synthes GmbH**, ASSIGNOR, a Swiss Company, organized under the laws of Switzerland and having a place of business at Eimattstrasse 3, Oberdorf, Switzerland CH-4436, has all right, title and interest in United States Patent Application No. 10/591,833, which was filed with the United States Patent and Trademark Office on September 5, 2005, entitled USE OF MIXTURE FOR THE PRODUCTION OF AN AGENT FOR TREATING DEFECTIVE OR DEGENERATED CARTILAGE IN THE PRODUCTION OF NATURAL CARTILAGE REPLACEMENT IN VITRO, and all the inventions disclosed, described and claimed therein (hereinafter "the Invention"), and which is identified by Jones Day Docket No. 8932-1289-999 (CAM No. 232198-999173), which claims priority to International Patent Application No. PCT/CH2004/000131, filed on March 5, 2004.

AND WHEREAS, **Synthes (U.S.A.)**, ASSIGNEE, a Partnership organized under the laws of the Commonwealth of Pennsylvania and having a place of business at 1302 Wrights Lane East, West Chester, PA 19380, is desirous of obtaining any and all right, title and interest to the Invention in the United States and its possessions and territories, Canada and its possessions and territories, the Bahamas, and Bermuda (hereinafter "the Territory"), including the right to bring an action and recover damages for past infringements, if any.

AND WHEREAS, ASSIGNOR, is desirous of assigning the entire right, title and interest to the Invention in the Territory, including the right to bring an action and recover damages for past infringement, if any.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the said ASSIGNOR, has sold, assigned, transferred and set over, and does hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, all ASSIGNOR'S rights, title and interest in the Invention in the Territory including the right to bring an action and recover damages for past infringement, if any; and all rights, title and interest in any corresponding United States patent applications and all divisions, renewals and continuations thereof; and all Patents in the Territory which may be granted thereon and all reissues and extensions thereof; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for the Invention in the Territory, and all extensions, renewals and reissues thereof.

AND ASSIGNOR HEREBY covenants and agrees that it has not executed, and will not execute, any agreement in conflict herewith.

AND ASSIGNOR HEREBY further covenants and agrees that it will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to it respecting the Invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, and reissue applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for the Invention in the Territory.

AND ASSIGNOR HEREBY further covenants and agrees that it has read this Assignment, knows and understands its contents, and comprehends and agrees to all of its terms, conditions and meanings and their significance.

IN TESTIMONY WHEREOF, the person executing this Assignment in a representative capacity on behalf of the ASSIGNOR warrants that he is fully authorized and empowered to do so and sets his hand and seal the day and year set with his signature.

ASSIGNOR: **Synthes GmbH**

Troy T. Svihl Authorized to sign on behalf of Synthes GmbH

Signature:



Position/Title:

Patent Counsel

Address:

Eimattstrasse 3
CH-4436 Oberdorf
Switzerland

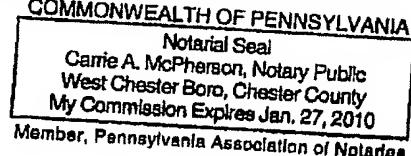
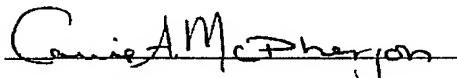
Date:

16 July 2007

Commonwealth of Pennsylvania)
)
County of Chester)

On July 16, 2007, before me, Carrie A. McPherson, Notary Public, personally appeared Troy T. Svihl, personally known to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

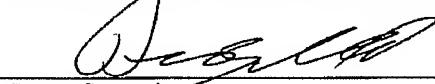
WITNESS my hand and official seal



ASSIGNEE: **Synthes (U.S.A.)**

Troy T. Svihl Authorized to sign on behalf of Synthes (U.S.A.)

Signature:



Position/Title:

Patent Counsel

Address:

1302 Wrights Lane East
West Chester, Pennsylvania 19380

Date:

16 July 2007

Commonwealth of Pennsylvania)
)
County of Chester)

On July 16, 2007, before me, Carrie A. McPherson, Notary Public, personally appeared Troy T. Svihl, personally known to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

